

104TH CONGRESS  
2D SESSION

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**H. R. 2512**

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**AN ACT**

To provide for certain benefits of the Pick-Sloan  
Missouri River basin program to the Crow Creek  
Sioux Tribe, and for other purposes.

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## AN ACT

To provide for certain benefits of the Pick-Sloan Missouri River basin program to the Crow Creek Sioux Tribe, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Crow Creek Sioux  
3 Tribe Infrastructure Development Trust Fund Act of  
4 1996”.

5 **SEC. 2. FINDINGS.**

6 (a) FINDINGS.—The Congress finds that—

7 (1) the Congress approved the Pick-Sloan Mis-  
8 souri River basin program by passing the Act of De-  
9 cember 22, 1944, commonly known as the “Flood  
10 Control Act of 1944” (58 Stat. 887, chapter 665; 33  
11 U.S.C. 701–1 et seq.)—

12 (A) to promote the general economic devel-  
13 opment of the United States;

14 (B) to provide for irrigation above Sioux  
15 City, Iowa;

16 (C) to protect urban and rural areas from  
17 devastating floods of the Missouri River; and

18 (D) for other purposes;

19 (2) the Fort Randall and Big Bend projects are  
20 major components of the Pick-Sloan program, and  
21 contribute to the national economy by generating a  
22 substantial amount of hydropower and impounding a  
23 substantial quantity of water;

24 (3) the Fort Randall and Big Bend projects  
25 overlie the western boundary of the Crow Creek In-  
26 dian Reservation, having inundated the fertile, wood-

1 ed bottom lands of the Tribe along the Missouri  
2 River that constituted the most productive agricul-  
3 tural and pastoral lands of the Crow Creek Sioux  
4 Tribe and the homeland of the members of the  
5 Tribe;

6 (4) Public Law 85–916 (72 Stat. 1766 et seq.)  
7 authorized the acquisition of 9,418 acres of Indian  
8 land on the Crow Creek Indian Reservation for the  
9 Fort Randall project and Public Law 87–735 (76  
10 Stat. 704 et seq.) authorized the acquisition of  
11 6,179 acres of Indian land on Crow Creek for the  
12 Big Bend project;

13 (5) Public Law 87–735 (76 Stat. 704 et seq.)  
14 provided for the mitigation of the effects of the Fort  
15 Randall and Big Bend projects on the Crow Creek  
16 Indian Reservation, by directing the Secretary of the  
17 Army to—

18 (A) replace, relocate, or reconstruct—

19 (i) any existing essential governmental  
20 and agency facilities on the reservation, in-  
21 cluding schools, hospitals, offices of the  
22 Public Health Service and the Bureau of  
23 Indian Affairs, service buildings, and em-  
24 ployee quarters; and

1 (ii) roads, bridges, and incidental mat-  
2 ters or facilities in connection with such fa-  
3 cilities;

4 (B) provide for a townsite adequate for 50  
5 homes, including streets and utilities (including  
6 water, sewage, and electricity), taking into ac-  
7 count the reasonable future growth of the town-  
8 site; and

9 (C) provide for a community center con-  
10 taining space and facilities for community gath-  
11 erings, tribal offices, tribal council chamber, of-  
12 fices of the Bureau of Indian Affairs, offices  
13 and quarters of the Public Health Service, and  
14 a combination gymnasium and auditorium;

15 (6) the requirements under Public Law 87–735  
16 (76 Stat. 704 et seq.) with respect to the mitigation  
17 of the effects of the Fort Randall and Big Bend  
18 projects on the Crow Creek Indian Reservation have  
19 not been fulfilled;

20 (7) although the national economy has benefited  
21 from the Fort Randall and Big Bend projects, the  
22 economy on the Crow Creek Indian Reservation re-  
23 mains underdeveloped, in part as a consequence of  
24 the failure of the Federal Government to fulfill the

1 obligations of the Federal Government under the  
2 laws referred to in paragraph (4);

3 (8) the economic and social development and  
4 cultural preservation of the Crow Creek Sioux Tribe  
5 will be enhanced by increased tribal participation in  
6 the benefits of the Fort Randall and Big Bend com-  
7 ponents of the Pick-Sloan program; and

8 (9) the Crow Creek Sioux Tribe is entitled to  
9 additional benefits of the Pick-Sloan Missouri River  
10 basin program.

11 **SEC. 3. DEFINITIONS.**

12 For the purposes of this Act, the following definitions  
13 shall apply:

14 (1) FUND.—The term “Fund” means the Crow  
15 Creek Sioux Tribe Infrastructure Development  
16 Trust Fund established under section 4(a).

17 (2) PLAN.—The term “plan” means the plan  
18 for socioeconomic recovery and cultural preservation  
19 prepared under section 5.

20 (3) PROGRAM.—The term “Program” means  
21 the power program of the Pick-Sloan Missouri River  
22 basin program, administered by the Western Area  
23 Power Administration.

24 (4) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior.

1           (5) **TRIBE.**—The term “Tribe” means the Crow  
 2       Creek Sioux Tribe of Indians, a band of the Great  
 3       Sioux Nation recognized by the United States of  
 4       America.

5   **SEC. 4. ESTABLISHMENT OF CROW CREEK SIOUX TRIBE IN-**  
 6                   **FRASTRUCTURE     DEVELOPMENT     TRUST**  
 7                   **FUND.**

8       (a) **CROW CREEK SIOUX TRIBE INFRASTRUCTURE**  
 9   **DEVELOPMENT TRUST FUND.**—There is established in  
 10   the Treasury of the United States a fund to be known  
 11   as the “Crow Creek Sioux Tribe Infrastructure Develop-  
 12   ment Trust Fund”.

13       (b) **FUNDING.**—Beginning with fiscal year 1997, and  
 14   for each fiscal year thereafter, until such time as the ag-  
 15   gregate of the amounts deposited in the Fund is equal to  
 16   \$27,500,000, the Secretary of the Treasury shall deposit  
 17   into the Fund an amount equal to 25 percent of the re-  
 18   ceipts from the deposits to the Treasury of the United  
 19   States for the preceding fiscal year from the Program.

20       (c) **INVESTMENTS.**—The Secretary of the Treasury  
 21   shall invest the amounts deposited under subsection (b)  
 22   only in interest-bearing obligations of the United States  
 23   or in obligations guaranteed as to both principal and inter-  
 24   est by the United States.

25       (d) **PAYMENT OF INTEREST TO TRIBE.**—

1           (1) ESTABLISHMENT OF ACCOUNT AND TRANS-  
2       FER OF INTEREST.—The Secretary of the Treasury  
3       shall, in accordance with this subsection, transfer  
4       any interest that accrues on amounts deposited  
5       under subsection (b) into a separate account estab-  
6       lished by the Secretary of the Treasury in the Treas-  
7       ury of the United States.

8           (2) PAYMENTS.—

9           (A) IN GENERAL.—Beginning with the fis-  
10      cal year immediately following the fiscal year  
11      during which the aggregate of the amounts de-  
12      posited in the Fund is equal to the amount  
13      specified in subsection (b), and for each fiscal  
14      year thereafter, all amounts transferred under  
15      paragraph (1) shall be available, without fiscal  
16      year limitation, to the Secretary of the Interior  
17      for use in accordance with subparagraph (C).

18          (B) WITHDRAWAL AND TRANSFER OF  
19      FUNDS.—For each fiscal year specified in sub-  
20      paragraph (A), the Secretary of the Treasury  
21      shall withdraw amounts from the account estab-  
22      lished under such paragraph and transfer such  
23      amounts to the Secretary of the Interior for use  
24      in accordance with subparagraph (C). The Sec-  
25      retary of the Treasury may only withdraw



1 funds from the account for the purpose speci-  
 2 fied in this paragraph.

3 (C) PAYMENTS TO TRIBE.—The Secretary  
 4 of the Interior shall use the amounts trans-  
 5 ferred under subparagraph (B) only for the  
 6 purpose of making payments to the Tribe.

7 (D) USE OF PAYMENTS BY TRIBE.—The  
 8 Tribe shall use the payments made under sub-  
 9 paragraph (C) only for carrying out projects  
 10 and programs pursuant to the plan prepared  
 11 under section 5.

12 (3) PROHIBITION ON PER CAPITA PAYMENTS.—  
 13 No portion of any payment made under this sub-  
 14 section may be distributed to any member of the  
 15 Tribe on a per capita basis.

16 (e) TRANSFERS AND WITHDRAWALS.—Except as  
 17 provided in subsection (d)(1), the Secretary of the Treas-  
 18 ury may not transfer or withdraw any amount deposited  
 19 under subsection (b).

20 **SEC. 5. PLAN FOR SOCIOECONOMIC RECOVERY AND CUL-**  
 21 **TURAL PRESERVATION.**

22 (a) PLAN.—

23 (1) IN GENERAL.—The Tribe shall, not later  
 24 than 2 years after the date of enactment of this Act,  
 25 prepare a plan for the use of the payments made to

1 the Tribe under section 4(d)(2). In developing the  
2 plan, the Tribe shall consult with the Secretary of  
3 the Interior and the Secretary of Health and Human  
4 Services.

5 (2) REQUIREMENTS FOR PLAN COMPONENTS.—

6 The plan shall, with respect to each component of  
7 the plan—

8 (A) identify the costs and benefits of that  
9 component; and

10 (B) provide plans for that component.

11 (b) CONTENT OF PLAN.—The plan shall include the  
12 following programs and components:

13 (1) EDUCATIONAL FACILITY.—The plan shall  
14 provide for an educational facility to be located on  
15 the Crow Creek Indian Reservation.

16 (2) COMPREHENSIVE INPATIENT AND OUT-  
17 PATIENT HEALTH CARE FACILITY.—The plan shall  
18 provide for a comprehensive inpatient and outpatient  
19 health care facility to provide essential services that  
20 the Secretary of Health and Human Services, in  
21 consultation with the individuals and entities re-  
22 ferred to in subsection (a)(1), determines to be—

23 (A) needed; and

24 (B) unavailable through existing facilities  
25 of the Indian Health Service on the Crow Creek

1 Indian Reservation at the time of the deter-  
2 mination.

3 (3) WATER SYSTEM.—The plan shall provide  
4 for the construction, operation, and maintenance of  
5 a municipal, rural, and industrial water system for  
6 the Crow Creek Indian Reservation.

7 (4) RECREATIONAL FACILITIES.—The plan  
8 shall provide for recreational facilities suitable for  
9 high-density recreation at Lake Sharpe at Big Bend  
10 Dam and at other locations on the Crow Creek In-  
11 dian Reservation in South Dakota.

12 (5) OTHER PROJECTS AND PROGRAMS.—The  
13 plan shall provide for such other projects and pro-  
14 grams for the educational, social welfare, economic  
15 development, and cultural preservation of the Tribe  
16 as the Tribe considers to be appropriate.

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such funds  
19 as may be necessary to carry out this Act, including such  
20 funds as may be necessary to cover the administrative ex-  
21 penses of the Crow Creek Sioux Tribe Infrastructure De-  
22 velopment Trust Fund established under section 4.

23 **SEC. 7. EFFECT OF PAYMENTS TO TRIBE.**

24 (a) IN GENERAL.—No payment made to the Tribe  
25 pursuant to this Act shall result in the reduction or denial

1 of any service or program to which, pursuant to Federal  
2 law—

3 (1) the Tribe is otherwise entitled because of  
4 the status of the Tribe as a federally recognized In-  
5 dian tribe; or

6 (2) any individual who is a member of the Tribe  
7 is entitled because of the status of the individual as  
8 a member of the Tribe.

9 (b) EXEMPTIONS; STATUTORY CONSTRUCTION.—

10 (1) POWER RATES.—No payment made pursu-  
11 ant to this Act shall affect Pick-Sloan Missouri  
12 River basin power rates.

13 (2) STATUTORY CONSTRUCTION.—Nothing in  
14 this Act may be construed as diminishing or affect-  
15 ing—

16 (A) any right of the Tribe that is not oth-  
17 erwise addressed in this Act; or

18 (B) any treaty obligation of the United  
19 States.

Passed the House of Representatives September 10,  
1996.

Attest:

*Clerk.*